

## REMARKS

The present application is directed to compositions containing a biologically active agent and a polycationic carbohydrate, wherein the biologically active agent is capable of generating a protective immune response when administered to an animal. Claims 1, 5-6, 11-17, 20-22 and 37 are currently pending in the application. Claims 2-4, 7-10, 18-19, 23-26 and 38-43 have been cancelled. By this amendment, Claims 1 and 22 are amended. Support for the amendments can be found at least on page 10, lines 10-24, of the specification. No new matter has been added.

### Rejection under 35 U.S.C. §103(a)

In the Office Action mailed January 31, 2008, the Examiner rejected Claims 1, 3, 6, 11-17, 37 and 40-43 under 35 U.S.C. §103(a) as obvious over Eyles (1998. *Vaccine*. Vol. 16(7):698-707, hereinafter “Eyles”) in view of Kotze *et al.*, (*J. of Pharm. Sci.* Vol. 88(2)):253-257, hereinafter “Kotze”). Applicants respectfully submit that the amendments to the claims overcome the rejection.

Claim 1 has been amended and is now drawn to a pharmaceutical composition comprising a biologically active agent that is capable of generating a protective immune response in an animal and an immunostimulant amount of N-carboxymethyl chitosan or a salt thereof. Neither Eyles nor Kotze, alone or in combination, teach a pharmaceutical composition comprising N-carboxymethyl chitosan. Claims 3 and 40-43 have been cancelled, and Claims 6, 11-17 and 37 are either directly or indirectly dependent on amended Claim 1. Therefore, applicants respectfully assert that the amendments to Claim 1 overcome the rejection under 35 U.S.C. §103(a) and request its withdrawal.

In the Office Action mailed January 31, 2008, the Examiner rejected Claims 1, 3, 6, 11-12, 16, 37 and 40-43 under 35 U.S.C. §103(a) as obvious over Illum (WO 97/20576, hereinafter “Illum”) in view of Kotze. Applicants respectfully submit that the amendments to the claims overcome the rejection.

As mentioned above, Claim 1 has been amended and is now drawn to a pharmaceutical composition comprising a biologically active agent that is capable of

generating a protective immune response in an animal and an immunostimulant amount of N-carboxymethyl chitosan or a salt thereof. Neither Illum nor Kotze, alone or in combination, teach a pharmaceutical composition comprising N-carboxymethyl chitosan. Claims 3 and 40-43 have been cancelled, and Claims 6, 11-12, 16, and 37 are either directly or indirectly dependent on amended Claim 1. Therefore, applicants respectfully assert that the amendments to Claim 1 overcome the rejection under 35 U.S.C. §103(a) and request its withdrawal.

In the Office Action mailed January 31, 2008, the Examiner rejected Claims 1, 3, 5-6, 11-12, 20-22, 37 and 40-43 under 35 U.S.C. §103(a) as obvious over Duncan *et al.* (WO 94/20070, hereinafter “Duncan”) in view of Kotze. Applicants respectfully submit that the amendments to the claims overcome the rejection.

Claim 1 has been amended, as described above, and is now drawn to a pharmaceutical composition comprising a biologically active agent that is capable of generating a protective immune response in an animal and an immunostimulant amount of N-carboxymethyl chitosan or a salt thereof. Neither Duncan nor Kotze, alone or in combination, teach a pharmaceutical composition comprising N-carboxymethyl chitosan. Claims 3 and 40-43 have been cancelled, and Claims 5-6, 11-12, 20-22, and 37 are either directly or indirectly dependent on amended Claim 1. Therefore, applicants respectfully assert that the amendments to Claim 1 overcome the rejection under 35 U.S.C. §103(a) and request its withdrawal.

### **CONCLUSION**

This Response fully addresses the rejections in the Non-Final Office Action mailed January 31, 2008. Based upon the amendments and remarks provided above, applicants believe that the pending claims are in condition for allowance. A Notice of Allowance is therefore respectfully solicited.

No additional fees are believed due; however, the Commissioner is hereby authorized to charge any additional fees that may be required, or credit any overpayment, to Deposit Account No. 11-0855.

If the Examiner believes any informalities remain in the application that may be corrected by Examiner's Amendment, or there are any other issues that can be resolved by telephone interview, a telephone call to the undersigned attorney at (404) 745-2473 is respectfully solicited.

Respectfully submitted,

/jamie greene/

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